

# FOREST CONSERVATION ACT PRESENTATION

Alderman Jared Littmann  
Ward 5, City of Annapolis  
June 25, 2015

# TOPICS COVERED

1. What is the FCA about?
2. How does the FCA work?
3. Why change now?
4. Current FCA projects
5. What are the issues?
6. What next?

# WHAT IS THE FCA ABOUT?

- ▶ Conservation vs. Development Balance
- ▶ Smart Growth?
- ▶ Tree vs. Forest Conservation
- ▶ Permits tree clearing / prioritization
- ▶ Reforestation / Afforestation
- ▶ Wetlands? Storm water?
- ▶ State law, local implementation

# HOW DOES THE FCA WORK?

- ▶ Forest Stand Delineation (FSD): Natural resources inventory
- ▶ Forest Conservation Plan (FCP): What will be done with natural inventory on site
- ▶ Site Plan: Interconnects with planning, etc.
- ▶ Roles of DNEP, P&Z, PC
- ▶ Appeals of FCP (DNEP) and Site Plan (PC)

# WHY CHANGE NOW?

- ▶ Process unclear
- ▶ No public input required except on appeal
- ▶ Minimal environmental standards: Significant forest loss allowed
- ▶ Opportunity for appeal unclear

# CURRENT FCA PROJECTS

As of June 11, 2015; updates: [annapolis.gov](http://annapolis.gov) → DNEP → FCA Projects under review.

- ▶ **Crystal Spring**, 111-acre mixed use development located off of Forest Drive between Hilltop Lane and Spa Road, proposed to include residential, retail and a critical care facility. The majority of the property is forested with some isolated wetlands, intermittent stream and steep slopes. FSD done, FCP returned with comments.
- ▶ **Hayes Annexation Property, aka Annapolis Townes at Neal Farm**, 7.65 acres, multi-family residential development located off of Old Solomon's Island Rd. The part of the site proposed for development is flat, treeless and recently farmed. The remainder of the property is forested with steep slopes. FSD done, FCP approved.

# MORE PROJECTS

- ▶ **Primrose Hill**, 4.35 acres residential use development southeast of Milkshake Lane. The property currently has an historic farmhouse and trees mostly at the perimeter. FSD done, FCP approved.
- ▶ **Rocky Gorge**, 31 townhome lots and 17 single family dwelling lots adjacent to Oxford Landing with an extension of Yawl Road for access. Steep slopes and ravine leading to the headwaters of the South River. FSD done, FCP approved. No FCA issue pending.
- ▶ **Parkside Preserve (Reserve at Quiet Waters)**. FCP approval under appeal.
- ▶ **Annapolis Neck, LLC**, Bay Ridge Road opposite Georgetown Road, 5.28 acres zoned commercial, currently in Anne Arundel County but preparing to request annexation into the City.

# WHAT ARE THE ISSUES?

## **Procedural**

- ▶ DNEP vs. P&Z
- ▶ PC vs. BBOA

## **Substantive**

- ▶ No Net Loss & mitigation
- ▶ 24" vs. 30"
- ▶ Forest or trees
- ▶ 50' or 100' buffers
- ▶ Fee in lieu
- ▶ Variances
- ▶ Predictability



# SUBSTANTIVE ISSUES

- ▶ No Net Loss & mitigation: Some forest will get cleared;  
Can goal of no net loss be achieved?  
State policy vs. DNR position
- ▶ 24" vs. 30": What trees are priority?
- ▶ Forest or trees: Value of individual trees / forest
- ▶ 50' or 100' buffers of streams, slopes
- ▶ Fee in lieu: Limited value

# WHY SO MANY VERSIONS?

- ▶ Model Act
- ▶ FCA Working Group
- ▶ O-32-14
- ▶ Planning Commission
- ▶ DNR
- ▶ O-27-15

# WHAT NEXT? A THEORETICAL TIMELINE FOR O-32-14

- ▶ Meeting with Council colleagues
- ▶ Amend O-32-14 with new version and schedule a public hearing (possibly July 13)
- ▶ Possibly a public hearing (possibly July 27)
- ▶ August recess
- ▶ Committee review in September
- ▶ Vote on substance (2<sup>nd</sup> reader, possibly Sept. 21)
- ▶ DNR approval
- ▶ Lots of hurry and wait.

# SUMMARY

1. FCA is about balancing tree conservation and development, fairness, predictability
2. FCA operates by requiring inventory ID, saving priority areas, mitigation
3. Change is needed to add structure, improve standards
4. Current FCA projects demonstrate importance; change would improve, not stop, projects
5. Council needs to resolve issues
6. New draft, public hearing, review, vote